

To: Blumenfeld, Jared[BLUMENFELD.JARED@EPA.GOV]
From: Johnson, Kathleen
Sent: Mon 7/6/2015 10:45:24 PM
Subject: for you to send to Stan, etc.

We anticipate that the Supplemental DEIS for the Bay Delta Conservation Plan (now called WaterFix) will be released by the Bureau of Rec late on **July 9th or July 10th** for a 45 day comment period. EPA will rate the document at the end of the comment period.

Over the past year, Regional staff and management have worked extensively with the State in an effort to improve the Draft EIS. Technical staff have participated in numerous meetings and calls and I have talked with the Governor's point person on the project every couple of weeks. Although the document is improved over last year's draft, based on what we have seen so far, we still have a number of concerns including potential exceedances of water quality standards and concern for fish and fish habitat.

The Supplemental DEIS is substantially different than the earlier plan in numerous respects including the following:

- The Plan will now identify a preferred alternative centered around construction of a tunnel which will add intakes in the north delta – paired down from the original plan seeking approval of a long-term Habitat Conservation Plan.
- The Bureau of Rec is now the sole lead federal agency. NMFS and Fish and Wildlife are no longer serving as lead agencies.
- The Army Corp has stated it will use this document, to the extent possible, as the NEPA document supporting its permit decision.

The fish agencies are working with the State and BOR on a number of issues regarding fish and fish habitat through the ESA Section 7 consultation process. Unfortunately, that process lags behind the NEPA process. EPA will need to opine on the Supplemental DEIS in late August and the ESA Biological Opinion is expected at the end of the fiscal year. We will continue to coordinate closely with Cynthia and Ken as we prepare our comments and rating on the document.

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